

United States District Court

Northern District of New York

CIVIL JUDGMENT

STEPHEN and NANCY ROGERS

Plaintiff

VS.

5:03-CV-767 (NAM) (GJD)

THE BLACK AND DECKER CORPORATION

Defendant

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the plaintiff's motion to voluntarily discontinue the action is granted, the defendant's cross motion for costs and sanctions is denied. Therefore the complaint is dismissed with prejudice.

All of the above pursuant to the Order of the Honorable Chief Judge Norman A. Mordue, dated the 22nd day of September, 2006.

SEPTEMBER 25, 2006

LAWRENCE K. BAERMAN

DATE

CLERK OF COURT

s/

**JOANNE BLESKOSKI
DEPUTY CLERK**